THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No. 28563 of 1998
Date:24-07-2007

Between:
C.Satyanarayana

Petitioner

And

The Regional Manager, APSRTC,
Nizamabad and another

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.28563 of 1998

ORDER:

1. Strange are the ways of the nature than fiction. The writ petitioner herein had his name

sponsored through the employment exchange for consideration of his case for recruitment as a driver in the State owned APSRTC. He has been subjected to initial stage of selection process on 28-09-1996 the short listed candidates at which have been subjected to the next and final stage of selection process of testing their driving skills on 4th October,1996. The writ petitioner is one of the candidates selected. Unfortunately the list of selected candidates has been exhibited only on the notice board of the office of the Regional Manager, Nizamabad on 09-10-1996 requiring the selected candidates to report for undergoing medical examination followed up by training at the Zonal Staff Training College at Warangal. Since the writ petitioner did not notice the result of his selection, he did not report to undergo the medical examination followed up by the training at Zonal Staff Training College at Warangal. When he made an attempt to get his name kept on live register of the employment exchange at Nizamabad, he was intimated by the employment exchange that in view of the intimation of the APSRTC about his selection, his name cannot be kept further on the live rolls of the employment exchange. Based upon this intimation, the writ petitioner appears to have represented to the APSRTC authorities on 20-08-1998 soliciting appointment as a driver. Since by the time the representation has been submitted by the writ petitioner nearly two years time had elapsed and the life span of the panel of selected candidates had expired, the APSRTC has not considered the representation of the petitioner favourably and did not appoint him as a driver. In all other circumstances, the case of the writ petitioner does not deserve any sympathetic consideration, for, the laxity on his part to follow up the selection process of recruitment undertaken by the APSRTC.

2. But at the same time, the fact which cannot be ignored is that the APSRTC had not chosen to intimate the selected candidates through any other mode of communication except exhibiting the list of selected candidates on the notice board of the office of the Regional Manager. In the absence of any communication to all such candidates who have been subjected to the selection process on 4th October,1996 that the list of successful or selected candidates would be exhibited on the notice board of the Regional Manager's office on 9th October,1996, the impropriety of the writ petitioner not following up his selection process with the APSRTC Officers in the immediate aftermath of his selection, pales itself into insignificance. When once the candidates drawn from the employment exchange were subjected to the selection process, it is but fair and reasonable on the part of every employer to intimate the selected candidates the result of their selection through modes known and recognized by law such as by way of registered post. The candidates are not required to follow up the matter day in and day after. But however, since there is no material that has been brought on record to show that the candidates who have been subjected to the selection process on 4th October,1996 have been specifically intimated that the results of the selection would be exhibited on 9th October,1996 and that they are so exhibited, fault

in not noticing about the selection of the writ petitioner has got to be apportioned between both the writ petitioner as well as the APSRTC. Further, the need and requirement of competent and qualified drivers by the APSRTC is nearly an annual one.

3. I therefore, consider it appropriate to direct the APSRTC to take up the case of the writ petitioner for appointment as a driver by forthwith subjecting him to medical examination and if he is found fit for such appointment, subject him to the training with a batch of drivers who are likely to be subjected to such training within the immediate future. If ultimately the writ petitioner comes to be appointed as a driver, he be treated to have been so appointed prospectively, but not with retrospective effect by the date from which the other candidates who have been selected at the selections conducted on 4th October,1996 were so appointed.

4. With this, the writ petition stands disposed of. No order as to costs.

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NOOTY RAMAMOHANA RAO,J

24-07-2007
Stp